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13 WILLIAM MAESTAS, BOARD OF DIRECTORS FOR THE  
14 PEOPLE'S COLLEGE OF LAW, CHRISTINA MARIN  
15 GONZALEZ; ROGERARAMAYO; ISMAIL VENEGAS;  
16 CLEMENTE FRANCO; HECTOR PENA; PASCUAL  
17 TORRES; CAROL DEUPREE; JESSICA VIRAMONTES;  
18 AND JUAN SARINANA

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**UNITED STATES DISTRICT COURT**  
**CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

TODD R. G. HILL,

Plaintiff,

v.

THE BOARD OF DIRECTORS,  
OFFICERS AND AGENTS AND  
INDIVIDUALS OF THE PEOPLES  
COLLEGE OF LAW; et al.

Defendants.

Case No. 2:23-CV-01298-JLS-BFM

**DEFENDANTS' MOTION UNDER  
F.R.C.P. 41(B) AND 12(B)(6) TO  
DISMISS PLAINTIFF'S SECOND  
AMENDED COMPLAINT WITH  
PREJUDICE; MEMORANDUM OF  
POINTS AND AUTHORITIES;  
DECLARATION OF JEFFREY  
KIRWIN**

**DATE:** No oral argument per docket # 80  
**TIME:** No oral argument per docket # 80  
**DEPT:** No oral argument per docket # 80

Judge Josephine L. Staton  
Magistrate Judge Brianna Fuller Mircheff

PLEASE TAKE NOTICE that Per the Court's previous Minute Order noted  
in docket 80, the Court will hear, without oral argument, Defendants CHRISTINA  
MARIN GONZALEZ and JUAN SARINANA (hereinafter collectively referred to

1 as “Defendants”) Motion to Dismiss with Prejudice Plaintiff’s Second Amended  
2 Complaint filed September 20, 2023 as docket 55 and the Entire Action.<sup>1</sup>

3       The motion is based on this notice, the attached memorandum of points and  
4 authorities, declaration of Jeffrey Kirwin, and any other matters submitted by the  
5 moving party.

6       The motion is on the grounds that the Second Amended Complaint violates  
7 Federal Rule of Civil Procedure 8 and therefore should be dismissed with prejudice  
8 under Rule 12(b)(6) and Rule 41(b).

9       **STATEMENT RE CONFERENCE PURSUANT TO LOCAL RULE 7-3.**

10      Plaintiff Todd R.G. Hill (hereinafter “Plaintiff”) filed Waivers of Service of  
11 Summons for Defendants on June 26, 2024. [Declaration of Jeffrey (hereinafter  
12 “Kirwin Decl.” ¶ 2. According to the waivers, Defendants deadline to respond to  
13 Plaintiff’s Second Amended Complaint is Friday July 12, 2024. Kirwin Decl. ¶ 2.  
14 Counsel for Defendants emailed Plaintiff on July 2, 2024, requesting to meet and  
15 confer prior to filing the present 12(B)(6) Motion. Kirwin Decl. ¶ 3. Counsel for the  
16 Defendants also proposed stipulating to an agreement that the parties have already  
17 met and conferred regarding dismissal of Plaintiff’s Second Amended Complaint as  
18 the parties have met and conferred for several hours regarding the same subject.  
19 Kirwin Decl. ¶ 3. In response, Plaintiff requested a new meeting to discuss the Second  
20 Amended Complaint for the new Defendant named in the waivers, but he was  
21 unavailable to attend the meeting prior to July 5, 2024. Kirwin Decl. ¶ 3.

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26      <sup>1</sup> Christina Gonzalez previously filed a Motion to Dismiss Plaintiff’s Second Amended  
27 Complaint - docket #78. However, due to Plaintiff’s repeated requests, Plaintiff filed a Waiver of  
28 Service of Summons for Christina Marin Gonzalez on June 26, 2024. Thus, out of an abundance  
of caution, Ms. Gonzalez is again included in the present Motion to Dismiss Plaintiff’s Second  
Amended Complaint.

1 Subsequently, the parties met and conferred on July 8, 2024, regarding Plaintiff's  
2 Second Amended Complaint. Kirwin Decl. ¶ 4.

3  
4 DATED: July 12, 2024

HAIGHT BROWN & BONESTEEL LLP

5  
6 By: /s/Jeffrey Kirwin  
7 Yvette Davis  
8 Jeffrey Kirwin  
9 Attorneys for Defendants THE GUILD  
10 LAW SCHOOL DBA PEOPLE'S  
11 COLLEGE OF LAW, JOSHUA  
12 GILLENS, WILLIAM MAESTAS,  
13 BOARD OF DIRECTORS FOR THE  
14 PEOPLE'S COLLEGE OF LAW,  
15 CHRISTINA MARIN GONZALEZ;  
16 ROGER ARAMAYO; ISMAIL  
17 VENEGAS; CLEMENTE FRANCO;  
18 HECTOR PENA; PASCUAL TORRES;  
19 CAROL DEUPREE; JESSICA  
20 VIRAMONTES; AND JUAN SARINANA  
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## **MEMORANDUM OF POINTS AND AUTHORITIES**

## I. INTRODUCTION

In his Second Amended Complaint (“SAC”), Plaintiff Todd R.G. Hill (hereinafter “Plaintiff”) asserts sixteen (16) causes of action against various parties relating to his tenure as a law student at THE GUILD LAW SCHOOL DBA PEOPLE’S COLLEGE OF LAW (hereinafter individually referred to as “PCL.”) Plaintiff has had four opportunities in this Court to file a Complaint that complies with Federal Rule of Civil Procedure 8, but has consistently failed to do so.

To date, five motions to dismiss the SAC have been filed: See Docket numbers 58, 78, 88, 92, and 110. All of the motions argue that Plaintiff's SAC should be dismissed with prejudice because it does not satisfy the requirement under Federal Rule of Civil Procedure 8 that a complaint contain a short and plain statement of the claim. Rather, the SAC is 121 pages (excluding exhibits), with over 530 paragraphs of disjointed allegations against a number of individuals and entities. Furthermore, the SAC violates this Court's order denying Plaintiff's Motion for Leave to Supplement the First Amended Complaint. The SAC is a shotgun pleading that simply makes no sense. In addition, Plaintiff's fifteenth and sixteenth causes of action do not contain any factual allegations. Finally, Plaintiff seeks relief that Defendants do not have authority to give even if Plaintiff were to prevail (i.e., admittance to the Federal bar).

## **II. PROCEDURAL BACKGROUND**

22 On February 20, 2023, Plaintiff filed his initial Complaint. [Docket Number  
23 (hereinafter “Dkt. No.”) 1.] On April 5, 2023, the Court issued an order, on its own  
24 motion, dismissing the Complaint for violation of F.R.C.P. 8(a) and (d), with leave to  
25 amend. [Dkt No. 37.] The order explains in detail why the Complaint was improper,  
26 how it violated the Federal Rules, and why it must be dismissed. On April 18, 2023,  
27 Plaintiff filed a First Amended Complaint. [Dkt. No. 38.]

1           On May 5, 2023, Plaintiff filed a document entitled “A Motion for Leave to  
 2 Supplement Todd R. G. Hill’s First Amended Complaint,” and attached a proposed  
 3 “Supplemental First Amended Complaint.” [Dkt. No. 40.] The “Supplemental First  
 4 Amended Complaint” was 114 pages, with no exhibits, but referred to the same  
 5 exhibits as the First Amended Complaint. [Dkt. No. 40.]

6           On June 7, 2023, the Court issued an order that denied Plaintiff’s Motion for  
 7 Leave to Supplement the First Amended Complaint and dismissed the First Amended  
 8 Complaint with leave to amend. [Dkt. No. 45.] The order explains in detail why the  
 9 First Amended Complaint was improper, how it violated the Federal Rules of Civil  
 10 Procedure and this Court’s Local Rules, and why it must be dismissed. The last  
 11 paragraph of the order paragraph reads:

12           If Hill still wishes to pursue this action, he is granted  
 13 twenty-one (21) days from the date of this Order to file  
 14 a Second Amended Complaint, attempting to cure the  
 15 defects in the Complaint described herein. The Second  
 16 Amended Complaint must be complete in itself and not  
 17 refer in any manner to the FAC or the original  
 18 Complaint. The Second Amended Complaint should  
 contain a “short and plain statement” of the claim or  
 claims for relief, setting forth, in straightforward  
 fashion, the facts supporting each claim. See Fed. R. Civ.  
 P. 8(a), (d)(1). All allegations should be made in  
 (correctly) numbered paragraphs. See Fed. R. Civ. P.  
 10(b).

19 (Emphasis added.)

20           Plaintiff failed to file a Second Amended Complaint within 21 days of the  
 21 Court’s order. On July 27, 2023, the Court issued a Judgment of Dismissal for failure  
 22 to file a Second Amended Complaint within the 21 days allotted. [Dkt. No. 47.]

23           Over a month later, on September 7, 2023, Plaintiff did the following:

24           1. Filed a “Motion for Leave to File a Second Amended Complaint and to Set  
 25 Aside Judgment of Dismissal” [Dkt. No. 48]; and

26           ///

27           ///

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1           2. Filed a Second Amended Complaint, even though Plaintiff's Motion for  
 2 Leave to File a Second Amended Complaint had not been granted or even ruled on,  
 3 and the Judgment of Dismissal had not been set aside. [Dkt. No. 49.]

4           On September 18, 2023, the Court issued an order striking the Second  
 5 Amended Complaint. [Dkt. No. 51.] In addition, the Court issued an order granting  
 6 Plaintiff's motion to set aside the dismissal and ordering Plaintiff to file an amended  
 7 complaint within 14 days of the order. [Dkt. No. 54.] Two days later, on September  
 8 20, 2023, Plaintiff filed the SAC. [Dkt. No. 55.]

9           On April 23, 2024, Magistrate Judge Brianna Fuller Mircheff filed an Interim  
 10 Report and Recommendation of United States Magistrate Judge (the, "Report"). The  
 11 Report recommended Plaintiff's Second Amended Complaint be dismissed.  
 12 Notably, the Magistrate Judge recommended the SAC be dismissed because it failed  
 13 to comply with FRCP 8. The Report explained:

14           The 121-page SAC, like the First Amended Complaint (see  
 15 ECF 45 at 8-9 (discussing same)), is excessively long and  
 16 often confusing. Indeed, the SAC is almost fifty pages  
*longer* than the First Amended Complaint—a complaint that  
 17 the District Judge described as excessively prolix.  
 Moreover, despite the District Judge's prior warnings, the  
 18 SAC continues to exhibit the landmarks of a "shotgun  
 pleading." The Court thus agrees with Defendants that  
 dismissal under Rule 8 is once again appropriate.

19 **III. ARGUMENT.**

20           Despite the changes Plaintiff has made to his operative complaint, the SAC still  
 21 violates Federal Rule of Civil Procedure 8(a) and the local rules. Plaintiff's approach  
 22 to the SAC is identical to the approach he took with his three prior attempts: the initial  
 23 Complaint, the First Amended Complaint, and his so-called Supplemental Amended  
 24 Complaint. Consequently, the SAC suffers from the same deficiencies as the prior  
 25 complaints, it should be dismissed with prejudice.

26           **A. Authority for Dismissal.**

27           This Court has the authority to dismiss the SAC with prejudice. Pursuant to  
 28 Federal Rule of Civil Procedure 12(b)(6), a dismissal under Rule 8 "applies to good

1 claims as well as bad, and is a basis for dismissal independent of Rule 12(b)(6).”  
2 (*McHenry v. Renne*, 84 F.3d 1172, 1179 (9th Cir. 1996).) Furthermore “[a] complaint  
3 which fails to comply with rules 8(a) and 8(e) may be dismissed with prejudice  
4 pursuant to rule 41(b).” (*Nevijel v. North Coast Life Ins. Co.*, 651 F.2d 671, 673 (9th  
5 Cir. 1981) (internal citations omitted).) As this Court noted in its order denying  
6 Plaintiff leave to “Supplement” the First Amended Complaint, the Court has the  
7 authority to dismiss a complaint *sua sponte* where that complaint does not comply  
8 with Rule 8. [Dkt. No. 45, p. 6.]

9 In addition to the above, Local Rules provide the Court with grounds to grant  
10 this Motion. Local Rule 83-2.2.3 states that “[a]ny person appearing *pro se* is required  
11 to comply with...the [Federal Rules of Civil Procedure].” The fact that Plaintiff is  
12 appearing *pro se* does not excuse his failure to comply with Federal rules governing  
13 the pleadings. In addition, Local Rule 83-2.2.4 states that “[f]ailure to comply with  
14 the rules enumerated in L.R. 83-2.2.3 may be grounds for dismissal or judgment by  
15 default.

16 The authority of the Court to dismiss a complaint for its failure to meet the  
17 basic pleading standards enumerated by Federal Rule of Civil Procedure 8 cannot be  
18 contested. Accordingly, this Court has the authority to dismiss the SAC for its failure  
19 to comply with Rule 8.

20 Further, Rule 12(b)(5) allows for dismissal of a complaint for failure to  
21 properly serve a defendant.

22 **B. Grounds for Dismissal**

23 This Court denied a request by Plaintiff for leave to file a “Supplement” to the  
24 First Amended Complaint. [Dkt. No. 45.] In that denial, the Court detailed the  
25 numerous deficiencies in the First Amended Complaint, as well as the proposed  
26 “supplement.” The SAC suffers from the same deficiencies and the deficiencies noted  
27 in the Magistrate Judge’s Report.

1           **1. The SAC Violates Federal Rules of Civil Procedure Rule 8.**

2           Per Federal Rules of Civil Procedure Rule 8, a pleading stating a claim for relief  
3 requires three things: (1) “a short and plain statement of the grounds for the court’s  
4 jurisdiction, unless the court already has jurisdiction and the claim needs no new  
5 jurisdictional support;” (2) **“a short and plain statement** of the claim showing the  
6 pleader is entitled to relief; and (3) a demand for relief sought, which may include  
7 relief in the alternative or different types of relief.” (Emphasis added.)

8           In the present case, there is nothing “short and plain” about the allegations in  
9 the SAC. Instead, the allegations are a farrago of claims, allegations, purported  
10 historical facts, speculations, and conclusory assertions about a number of named  
11 defendants including PCL, PCL’s board and individual board members, the California  
12 State Bar, and others. The SAC is 121 pages, includes 589 paragraphs, and  
13 approximately 68 pages of exhibits. Plaintiff asserts a total of sixteen (16) causes of  
14 action. The basic jurisdictional, party, and factual “allegations” take up 53 pages and  
15 263 paragraphs even though they can and should be condensed.

16           The allegations in the SAC are so convoluted, verbose, and confusing that no  
17 reasonable defendant would know exactly to what they were responding. As this  
18 Court has already noted, dismissal under Rule 8 is used in “those instances in which  
19 the complaint is so verbose, confused and redundant that its true substance, if any, is  
20 well disguised.” (*Hearns v. San Bernardino Police Dep’t*, (530 F.3d 1124, 1131 (9th  
21 Cir. 20017) (citation and quotations omitted).) That is clearly the case here.

22           Plaintiff continues to use the “shotgun pleading” style that the Court criticized  
23 in its denial of Plaintiff’s request to supplement the First Amended Complaint. [Dkt.  
24 No. 45, p. 5-6.] As additional evidence of this shotgun approach, Plaintiff includes  
25 allegations incorporating prior factual allegations into different sections of the SAC.  
26 The Court warned Plaintiff against this very practice. [Dkt. No. 45, p. 5-6.] Despite  
27 this admonition from the Court, which is precisely what the Plaintiff’s SAC does –

1 each cause of action incorporates all paragraphs that precede it. [SAC at ¶¶ 290, 309,  
2 323, 334, 344, 357, 371, 382, 460, 523, 533, 549, 558, 565, and 569.]

3 Ultimately, the question here is whether the SAC complies with Federal Rules  
4 relating to pleading actions (i.e., whether it complies with FRCP 8). Given the  
5 convoluted procedural history, the verbose and confusing nature of the prior  
6 complaints, and the fact that the SAC does not really diverge from that pattern and  
7 practice, it is clear that Plaintiff has failed to abide by Rule 8.

8 **2. Plaintiff's 15<sup>th</sup> and 16<sup>th</sup> Causes of Action Fail to Allege any  
9 Facts to Support the Causes of Action.**

10 Plaintiff's 15<sup>th</sup> and 16<sup>th</sup> causes of action are for Civil Rights Violations under  
11 18 U.S.C. §§ 242 and 245. However, Plaintiff does not include any factual allegations  
12 to support these causes of action. In both, Plaintiff states the following: "To establish  
13 this claim Todd will show:" [SAC at ¶¶ 566 and 568.] However, the factual  
14 allegations that are supposed to support those causes of action are missing as nothing  
15 follows the end of those sentences. Plaintiff does not allege any facts that he will  
16 "show." Instead, the SAC moves on to the next cause of action or to the prayer for  
17 relief. Accordingly, Plaintiff has failed to plead any factual elements to support either  
18 of these causes of action, and both should be dismissed.

19 **3. Plaintiff's Sixth Cause of Action Seeks Relief Defendants  
20 Cannot Grant.**

21 Plaintiff's sixth cause of action for Civil Rights Violations under 42 U.S.C. §  
22 1981 Provision of Federal Bar Licensure, is not asserted against any defendant.  
23 Moreover, the relief sought pursuant to this cause of action (admittance to the Federal  
24 Bar) is not something Defendants, or any party named to this action, has the authority  
25 to grant. In short, Plaintiff is seeking a remedy that, even if he prevailed, cannot be  
26 given by any named defendant. Accordingly, the sixth cause of action fails to assert  
27 a claim for which relief can be granted, and should therefore be dismissed.

1           **C. PLAINTIFF'S SECOND AMENDED COMPLAINT SHOULD BE**  
2           **DISMISSED WITH PREJUDICE**

3           Federal Rule of Civil Procedure 41(b) states as follow: “**If the plaintiff fails**  
4 to prosecute or **to comply with these rules or a court order**, a defendant may move  
5 to dismiss the action or any claim against it. **Unless the dismissal order states**  
6 **otherwise, a dismissal under this subdivision (b)** and any dismissal not under this  
7 rule—except one for lack of jurisdiction, improper venue, or failure to join a party  
8 under Rule 19—**operates as an adjudication on the merits.**” (Emphasis added.)

9           Furthermore, “[a] complaint which fails to comply with rules 8(a) and 8(e) may  
10 be dismissed with prejudice pursuant to rule 41(b).” (*Nevijel v. North Coast Life Ins.*  
11 Co., 651 F.2d 671, 673 (9th Cir. 1981) (Internal citations omitted).) In *Nevijel*, the  
12 Court of Appeals affirmed a dismissal with prejudice for violation of Rules 8(a) and  
13 8(e) on a first amended complaint. The *Nevijel* Court held that, while a Court should  
14 look for “less drastic alternatives” the trial court’s dismissal of the pleading was  
15 reasonable given the opportunities the plaintiff had to amend. (*Id.* at 674.) “The  
16 original complaint, filed in November 1976, was verbose, confusing and almost  
17 entirely conclusory. It consisted of 48 pages with 14 pages of addenda and 9 pages  
18 of exhibits...The second complaint was 23 pages long with 24 pages of addenda,  
19 named additional defendants without leave of the court, and was equally verbose,  
20 confusing and conclusory as the initial complaint.” (*Id.*)

21           Here, Plaintiff has had several attempts to assert a claim against Defendants.  
22 He first attempted to file a claim in the California Superior Court (Case No.  
23 22AVRO000363), which was ultimately dismissed. The SAC is Plaintiff’s fourth  
24 attempt in federal Court to assert a claim against Defendants (initial Complaint, First  
25 Amended Complaint, Supplement to the First Amended Complaint, and now the  
26 SAC). In other words, this Court has given Plaintiff more than sufficient leeway to  
27 assert a claim that complies with Rule 8, but Plaintiff has failed to do so.

Given the number of times the Court has given Plaintiff to comply with Rule 8, and his persistent failure to do so, the Court should grant this Motion and dismiss the SAC with prejudice.

**IV. CONCLUSION**

For the foregoing reasons, Defendants respectfully request that the Court grant their Motion and dismiss the SAC with prejudice.

**STATEMENT OF COMPLIANCE WITH LOCAL RULE 11-6.1**

“The undersigned party certifies that this brief contains 2359 words, which complies with the word limit of L.R. 11-6.1.

DATED: July 12, 2024

HAIGHT BROWN & BONESTEEL LLP

By: /s/Jeffrey Kirwin  
Yvette Davis  
Jeffrey Kirwin  
Attorneys for Defendants THE GUILD  
LAW SCHOOL DBA PEOPLE'S  
COLLEGE OF LAW, JOSHUA  
GILLENS, WILLIAM MAESTAS,  
BOARD OF DIRECTORS FOR THE  
PEOPLE'S COLLEGE OF LAW,  
CHRISTINA MARIN GONZALEZ;  
ROGER ARAMAYO; ISMAIL  
VENEGAS; CLEMENTE FRANCO;  
HECTOR PENA; PASCUAL TORRES;  
CAROL DEUPREE; JESSICA  
VIRAMONTES; AND JUAN SARINANA

## **DECLARATION OF JEFFREY KIRWIN**

I, Jeffrey Kirwin declare as follows:

3       1. I am an attorney at the law firm of Haight Brown & Bonesteel LLP  
4 counsel of record for Defendants THE GUILD LAW SCHOOL DBA PEOPLE'S  
5 COLLEGE OF LAW; JOSHUA GILLENS, WILLIAM MAESTAS; BOARD OF  
6 DIRECTORS FOR THE PEOPLE'S COLLEGE OF LAW; CHRISTINE MARIN  
7 GONZALEZ; ROGER ARAMAYO; ISMAEL VENEGAS; CLEMENTE FRANCO,  
8 and now HECTOR PEN, PASCUAL TORRES, CAROL DEUPREE, JESSICA  
9 VIRAMONTES, CHRISTINA GONZALEZ and JUAN SARINANA in the above-  
10 captioned action. I am a member in good standing of the State Bar of California. I  
11 have personal knowledge of the facts set forth in this Declaration and, if called as a  
12 witness, could and would testify competently to such facts under oath. I submit this  
13 declaration in support of Defendants' Motion Under F.R.C.P.41(B) and 12(b)(6) to  
14 Dismiss Plaintiff's Second Amended Complaint with Prejudice

15       2. On June 26, 2024, Plaintiff filed Waivers of Service of Summons for  
16 Defendants CHRISTINA GONZALEZ and JUAN SARINANA (the, “Waivers”).  
17 The dates noted on the Waivers required Defendants to file a responsive pleading by  
18 July 12, 2024.

19       3. On July 2, 2024, I emailed Plaintiff requesting to meet and confer  
20 regarding a Motion to Dismiss his Second Amended Complaint as to Defendants  
21 CHRISTINA GONZALEZ and JUAN SARINANA. In the email, I asked whether  
22 Plaintiff would agree that the parties have already met and conferred regarding  
23 dismissal of Plaintiff's Second Amended Complaint because the parties have  
24 previously met and conferred for several hours regarding the same subject. In  
25 response to my July 2 email, Plaintiff requested to meet but was unable to meet on or  
26 before July 5, 2024. (Attached hereto as Exhibit A is a true and correct copy of the  
27 email exchange).

1       4. On July 8, 2024, Plaintiff and I engaged in a meet and confer via phone  
2 call regarding Defendants CHRISTINA GONZALEZ and JUAN SARINANA  
3 Motion to Dismiss Plaintiff's Second Amended Complaint. Plaintiff and I were not  
4 able to resolve the issues regarding his Second Amended Complaint.

5      Executed on this 12th day of July, 2024, at Irvine, California.

6 I declare under penalty of perjury under the laws of the United States of  
7 America that the foregoing is true and correct.

/s/Jeffrey Kirwin

Jeffrey Kirwin, Declarant

## Haight

# **EXHIBIT A**

---

**From:** Todd Hill  
**To:** Kirwin, Jeffrey  
**Cc:** Davis, Yvette  
**Subject:** Re: Hill v. Peoples College of Law  
**Date:** Wednesday, July 3, 2024 12:14:35 PM  
**Attachments:** [image001.png](#)

---

Mr. Kirwin,

Thank you for providing a proposed meeting time. I confirm that July 8th at 11 AM works for me.

However, I would like to note that while I am available at the proposed time, this should not be construed as a waiver of any rights or arguments regarding the timeliness of the meet and confer process given the existing time constraints. Issues of timeliness have been a topic of conversation amongst the parties, and my response to planned demurrers may include requests for sanctions or otherwise seek to address such issues appropriately.

Additionally, I wish to discuss any changes or specific idiosyncrasies related to the scope of the contents of your motion prior to making any commitments to limit, censor, or otherwise waive my rights.

I will reiterate my past, present, and future intent to operate in good faith and to not raise frivolous issues. This is evidenced by my past statements that requests for additional time to respond would not be unreasonably withheld.

I look forward to our discussion. If you plan changes to citations or other references your provision of the corresponding case information would be appreciated.

Best regards,

Todd

On Wed, Jul 3, 2024 at 11:51 AM Kirwin, Jeffrey <[jkirwin@hbblaw.com](mailto:jkirwin@hbblaw.com)> wrote:

Mr. Hill,

A viable meeting time is July 8<sup>th</sup> at 11 am. Please confirm whether you will not argue the meet and confer was not completed timely given the time constraints.

---

**From:** Todd Hill <[toddryangregoryhill@gmail.com](mailto:toddryangregoryhill@gmail.com)>  
**Sent:** Tuesday, July 2, 2024 5:50 PM  
**To:** Davis, Yvette <[ydavis@hbblaw.com](mailto:ydavis@hbblaw.com)>  
**Cc:** Kirwin, Jeffrey <[jkirwin@hbblaw.com](mailto:jkirwin@hbblaw.com)>  
**Subject:** Re: Hill v. Peoples College of Law

Dear Ms. Davis,

Thank you for your recent correspondence. I want to assure you of my commitment to engaging in this process in good faith and adhering to all necessary protocols.

While it is important that we complete our tasks in a timely manner, it is equally crucial that they are completed in good faith, ensuring thoroughness and integrity throughout.

Please propose a viable meeting time.

Todd

On Tue, Jul 2, 2024 at 5:00 PM Davis, Yvette <[ydavis@hbblaw.com](mailto:ydavis@hbblaw.com)> wrote:

Mr. Hill,

Will you agree that due to scheduling constraints, you will not argue that the meet and confer was not completed timely?

Yvette Davis | [Profile](#)

Partner

D: 714.426.4607

DF: 714.426.4608

[ydavis@hbblaw.com](mailto:ydavis@hbblaw.com)



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---

**From:** Todd Hill <[toddryangregoryhill@gmail.com](mailto:toddryangregoryhill@gmail.com)>  
**Sent:** Tuesday, July 2, 2024 4:53 PM  
**To:** Kirwin, Jeffrey <[jkirwin@hbblaw.com](mailto:jkirwin@hbblaw.com)>  
**Cc:** Davis, Yvette <[ydavis@hbblaw.com](mailto:ydavis@hbblaw.com)>  
**Subject:** Re: Hill v. Peoples College of Law

Dear Mr. Kirwin,

Thank you for your message, received on the afternoon of July 2nd.

Considering your suggestion that your arguments for a Motion to Dismiss the Second Amended Complaint remain consistent, the urgency for a meeting appears to be less pressing.

Additionally, with the Fourth of July holiday on Thursday, scheduling this week is understandably challenging.

Given the timing and the exigency of the circumstances, would a meeting on Monday, July 8th be feasible for you?

I believe this timing would allow us to address any concerns adequately without the rush of the holiday week. Please let me know if this works for you or if another time is more suitable.

Best regards,

Todd

On Tue, Jul 2, 2024 at 4:01 PM Kirwin, Jeffrey <[jkirwin@hbblaw.com](mailto:jkirwin@hbblaw.com)> wrote:

Mr. Hill,

The arguments for and against a Motion to Dismiss your Second Amended Complaint will be the same. Unfortunately, we need to speak on or before this Friday. Are you available this week?

---

**From:** Todd Hill <[toddryangregoryhill@gmail.com](mailto:toddryangregoryhill@gmail.com)>  
**Sent:** Tuesday, July 2, 2024 3:11 PM  
**To:** Kirwin, Jeffrey <[jkirwin@hbblaw.com](mailto:jkirwin@hbblaw.com)>  
**Cc:** Davis, Yvette <[ydavis@hbblaw.com](mailto:ydavis@hbblaw.com)>  
**Subject:** Re: Hill v. Peoples College of Law

**EXTERNAL** - This message came from outside the Firm.

Dear Mr. Kirwin,

Thank you for your email.

I acknowledge your request to meet and confer prior to filing a Motion to Dismiss the Second Amended Complaint on behalf of Defendants Gonzalez and Sarinana. However, I must note that objections to the Magistrate Judge's recommendations have been filed, which makes de novo review by the District Judge likely. This means that a fresh review of the matter is anticipated, and thus, the context has significantly changed since our last meeting.

The last meeting we had was prior to the issuance of the Magistrate Judge's recommendations. Given the new developments and the potential for de novo review, I

believe it would be prudent to have an updated discussion to ensure all current aspects of the case are adequately addressed.

I am available to meet July 8, 9, or the 10th from 11 am to 2:30 pm PST.

Best regards,

Todd

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**From:** Kirwin, Jeffrey <[jkirwin@hbblaw.com](mailto:jkirwin@hbblaw.com)>  
**Sent:** Tuesday, July 2, 2024 2:03:28 PM  
**To:** 'Todd Hill' <[toddryangregoryhill@gmail.com](mailto:toddryangregoryhill@gmail.com)>  
**Cc:** Davis, Yvette <[ydavis@hbblaw.com](mailto:ydavis@hbblaw.com)>  
**Subject:** Hill v. Peoples College of Law

Mr. Hill,

Please allow this email to serve as a request to meet and confer prior to our office filing a Motion to Dismiss your Second Amended Complaint on behalf of Defendants Gonzalez and Sarinana. Given you have met and conferred with Ms. Davis and I on several occasions, we have written many motions and oppositions regarding dismissal, and the magistrate judge has recommended the Second Amended Complaint be dismissed, are you willing to agree that we have already met and conferred regarding the Motion to Dismiss as to Gonzalez and Sarinana?

If not, please let me know when you are available to speak this week.

Thank you,

Jeff

Jeffrey Kirwin | [Profile](#)

Attorney

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## **PROOF OF SERVICE**

## Hill v. The Board of Directors, Officers, et al.

Case No. 2:23-cv-01298-JLS-CFM

**STATE OF CALIFORNIA, COUNTY OF ORANGE**

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Orange, State of California. My business address is 2030 Main Street, Suite 1525, Irvine, CA 92614.

On July 12, 2024, I served true copies of the following document(s) described as **DEFENDANTS' MOTION UNDER F.R.C.P. 41(B) AND 12(B)(6) TO DISMISS PLAINTIFF'S SECOND AMENDED COMPLAINT WITH PREJUDICE; MEMORANDUM OF POINTS AND AUTHORITIES; DECLARATION OF JEFFREY KIRWIN** on the interested parties in this action as follows:

**SEE ATTACHED SERVICE LIST**

**BY CM/ECF NOTICE OF ELECTRONIC FILING:** I electronically filed the document(s) with the Clerk of the Court by using the CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system. Participants in the case who are not registered CM/ECF users will be served by mail or by other means permitted by the court rules.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on July 12, 2024, at Irvine, California.

/s/ Cindy A. Mulder  
Cindy Mulder

**SERVICE LIST**  
**Hill v. The Board of Directors, Officers, et al.**  
**Case No. 2:23-cv-01298-JLS-CFM**

Todd R. G. Hill  
41459 Almond Avenue  
Quartz Hill, CA 93551

PRO SE

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# Haight